

FINAL BILL REPORT

ESSB 5396

As Passed Legislature

Brief Description: Expanding the criteria for habitat conservation programs.

Sponsors: Senate Committee on Natural Resources, Ocean & Recreation (originally sponsored by Senators Fraser, Esser, Jacobsen, Oke, Regala, Swecker, Rockefeller, Spanel, Pridemore, Thibaudeau, Haugen and Kline).

Senate Committee on Natural Resources, Ocean & Recreation

Senate Committee on Ways & Means

House Committee on Capital Budget

Background: The Washington Wildlife and Recreation Program (WWRP) provides funds for the acquisition and development of outdoor recreation and habitat conservation areas. Counties, cities, ports, park and recreation districts, school districts, state agencies, and tribes are eligible to apply. Grant applications are evaluated annually and the Interagency Committee for Outdoor Recreation (IAC) submits a list of prioritized projects to the Governor and Legislature for approval.

Half of the funds appropriated in a biennium for the WWRP are for habitat conservation, and are allocated according to a statutory formula for critical habitat, natural areas, and urban wildlife habitat. The other half of the funds are appropriated for outdoor recreation, allocated by formulas established in statute for state parks, local parks, trails, and water access sites. A portion of each account is left unallocated.

Summary: Two new funds are created for administration by the IAC. The riparian protection account is created to distribute funds for the acquisition or enhancement or restoration of riparian habitat. Riparian habitat is defined as land adjacent to water bodies, as well as submerged land and stream beds, which can provide habitat for fish and wildlife species. The farmlands preservation account is created and funds may be used for the acquisition of farmlands, their enhancement or restoration, or both.

Appropriations for a biennium of up to forty million dollars or less are split equally between the habitat conservation account and the outdoor recreation account. The riparian protection account and farmlands preservation account receive a portion of any appropriations to the WWRP exceeding forty million dollars. The IAC may use moneys appropriated to an account, that are not obligated to a specific project, to fund alternate projects from the same account in future biennia.

Within the habitat conservation account, allocations to the existing categories are increased and a new category is created for restoration and enhancement projects by state agencies, leaving no unallocated funds. Within the outdoor recreation account, allocations to the existing categories are also increased and a new category is created for development and renovation projects on state lands, leaving no unallocated funds. Criteria for grants for habitat conservation and outdoor recreation are revised to include such considerations as consistency

with land use, shoreline, watershed, and recovery plans, inclusion of noxious weed control management plans, and the statewide significance of critical habitat projects.

The IAC may retain up to three percent of WWRP funds for administration. The IAC may accept private donations to the WWRP accounts. Project lists are prepared and submitted to the Governor in even numbered years.

Lands acquired by the Department of Natural Resources and the Department of Fish and Wildlife using funds from the habitat conservation account are subject to payments in lieu of property taxes and for weed control. Lands acquired by state agencies using funds from the riparian protection account are also subject to payments in lieu of property taxes and for weed control. The IAC, Department of Natural Resources, Department of Fish and Wildlife, and counties must, by December 1, 2005, provide a report to the Legislature regarding the impact of payments in lieu of local property taxes.

State or local agencies must review a proposed project application with the local government with jurisdiction over lands proposed for acquisition with WWRP grant funds.

Moneys appropriated for purposes of riparian protection, critical habitat, and urban wildlife habitat may be used to fund mitigation banking projects. Such moneys may not, however, be used to supplant a state or local agency's obligation to provide mitigation.

Habitat and recreation lands acquired using WWRP grant funds may not be converted to a use other than that for which funds were originally approved without the approval of the IAC.

Votes on Final Passage:

Senate	44	4	
House	60	36	(House amended)
Senate	45	1	(Senate concurred)

Effective: July 1, 2005 (Section 15)
July 1, 2007 (Sections 1-14)